THE BOMBAY MUNICIPAL DEBENTURES ACT, 1876.

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THE SCHEDULE.

ACT No. XV OF 1876.[1]

[THE BOMBAY MUNICIPAL DEBENTURES ACT, 1876.]

[14th September 1876.]

Repealed in part, by Act 1 of 1879.

An Act to amend the law relating to the transfer of Bombay Municipal Debentures, and to provide for their consolidation.

Bom. II of 1865.

WHEREAS, under the [2]Bombay Municipal Act of 1865, the Justices of the Peace for the City of Bombay were empowered to mortgage for the purposes therein mentioned the rates and taxes imposed and levied under that Act; Preamble.

and whereas, by section 255 of the same Act, it was enacted that any person entitled to any such mortgage might transfer his right and interest therein to any other person, and that every such transfer should be by deed duly stamped, wherein the consideration should be truly stated, and that every such transfer might be according to the form in Schedule K to the said Act annexed or to the like effect;

and whereas, in exercise of the said power, diverse mortgages of the said rates and taxes have been made, and the mortgagees have purported to transfer their mortgages to other persons, but such transfers have been by simple endorsement and not by deed duly stamped;

and whereas it is expedient to provide that such transfers may hereafter be made by endorsement, and to confirm the said transfers heretofore made, and to exempt the parties thereto from the penalties which they have incurred by reason of their failure to comply with the provisions of the said section and of the law relating to stamp-duties for the time being in force;

and whereas it is also expedient to provide for consolidating such mortgages in manner hereinafter mentioned and for renewing and sub-dividing mortgages so consolidated;

It is hereby enacted as follows:—

1. This Act may be called the Bombay Municipal Debentures Act, 1876. Short title.

Bom. II of 1865.

2. Every mortgage of rates and taxes, authorised to be made under the said [2]Bombay Municipal Act of 1865, or any subsequent Act, shall be transferable by endorsement on the instrument of mortgage [3]* * * *. Transfers of debentures to be by endorsement.

3. Every transfer of any such mortgage heretofore made by endorsement shall be, and be deemed to have been, as valid as if this Act had been in force at the date of such transfer; and no stamp-duty shall be, or be deemed to have been chargeable in respect of any such transfer; and no penalty shall be deemed to have been incurred by reason of any failure to comply with the provisions of the said section 255 or of the law relating to stamp-duties for the time being in force. Validation of former transfers by endorsement.

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[1] For Statement of Objects and Reasons, *see Gazette of India*, 1876, Pt. V, p. 532, and for Proceedings in Council, *see ibid*, Supplement, pp. 714, 753 and 1033.

[2] *See* now the City of Bombay Municipal Act, 1888 (Bom. 3 of 1888).

[3] The words "and no such endorsement shall be chargeable with any stamp-duty" were repealed by the Indian Stamp Act, 1879 (I of 1879).

Power to consolidate debentures.

4. Any holder of two or more such instruments of mortgage may surrender them to the Municipal Corporation of the City of Bombay, and such Corporation shall accept the same, and shall (on receipt for each such instrument of such fee as the said Corporation may from time to time prescribe) grant to such holder, under the seal of the said Corporation, an instrument of mortgage in which the consideration stated shall be the aggregate amount of the considerations respectively stated in the instrument so surrendered.

Every instrument so granted may be in the form in the Schedule hereto annexed or to the like effect.

Power to renew and sub-divide.

5. The said Corporation shall, on the application of the holder of any instrument granted under the said [1]Bombay Municipal Act of 1865 or under this Act, and, on receipt of such fees as the said Corporation may from time to time prescribe in this behalf, renew or sub-divide the same. Bom. II of 1865.

THE SCHEDULE ABOVE REFERRED TO.

WHEREAS *A B* of has surrendered to us, the Municipal Corporation of the City of Bombay, mortgages issued under the Bombay Municipal Act of 1865, bearing respectively the following numbers and dates (namely) [*set them out*], and securing sums amounting in the whole to Rs. Bom. II of 1865.

In consideration of the premises, we, the said Corporation, do hereby grant and assign unto the said *A B*, his representatives and assigns, such proportion of the rates and taxes comprised in the said mortgages as the said sum of Rs. bears to the whole sum for the time being borrowed upon the credit of the said rates and taxes. TO HOLD to the said *A B*, his representatives and assigns, from this day, until the said sum of Rs. with interest at the rate of per cent. per annum, shall be fully paid and satisfied.

Given under our corporate seal this day of 187 .

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[1] *See* now the City of Bombay Municipal Act, 1888 (Bom. 3 of 1888).

THE BHAUNAGAR ACT, 1876.

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PREAMBLE.

SECTIONS.

1. Short title.
   Local extent.
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SCHEDULE

ACT No. XX OF 1876.[1]

[THE BHAUNAGAR ACT, 1876.]

[*16th December 1876.*]

Repealed in part, by Act 16 of 1895.

Adapted and modified by the Indian Independence (Adaptation of Central Acts and Ordinances) Order, 1948.

An Act to give better effect to certain agreements with the Thakur of Bhaunagar.

WHEREAS the villages mentioned in the Schedule hereto annexed (hereinafter called the scheduled villages) are the property of the Thakur of Bhaunagar, and were by the Treaty of Bassein, dated the thirty-first day of December, 1802, separated from the Native State or States known as the territory of Kathiawad and ceded to the British Government; Preamble.

and whereas, by [2]Regulation VI of 1816 of the Governor of Bombay in Council, the Regulations in force throughout the Presidency of Bombay were extended to the said villages, and such villages thereby became subject to the jurisdiction of the Revenue, Civil and Criminal Courts established in that Presidency;

and whereas the said Thakur of Bhaunagar is also the proprietor of divers villages, forming part of the said territory, and hereinafter called the Kathiawad villages;

and whereas the British Government have exercised certain powers of government over the said territory, but such territory has never been treated as being British territory, nor as having been vested in the East India Company, nor in Her Majesty the Queen of Great Britain and Ireland and Empress of India, and the said Kathiawad villages have consequently never been subject to the laws in force in the Presidency of Bombay;

and whereas in the year 1820 the British Government established a Political Agency for the said territory of Kathiawad;

and whereas in the year 1857 the said Thakur was, by an order of the British Government, invested in respect of the same villages with certain powers of sovereignty limited by and subject to the rules laid down for the government and conduct of the said Kathiawad Political Agency;

and whereas, for divers reasons of State affecting the welfare of British India, the British Government became desirous of ceding to the Thakur of Bhaunagar the scheduled villages, to be held by him on the same conditions as those on which he holds the Kathiawad villages, and for that purpose certain agreements were made and certain notifications published which were intended to operate as a cession of the scheduled villages;

and whereas on the twenty-ninth day of January, 1866, the Governor of Bombay in Council published a notification declaring that, in accordance with the agreement last hereinbefore recited, the scheduled villages were from and after the first day

[1] For Proceedings in Council relating to the Bill which was introduced and passed at the same meeting of the Council, *see Gazette of India*, 1876, Supplement, p. 1351.

[2] Bom. Reg. 6 of 1816 was repealed by Bom. Reg. 1 of 1827.

of February, 1866, removed from the jurisdiction of the Revenue, Civil and Criminal Courts of the Bombay Presidency and transferred to the supervision of the said Political Agency in Kathiawad on the same conditions as to jurisdiction as the said Kathiawad villages;

and whereas the intention of the said agreements and notifications was that the villages comprised therein should be ceded to and vested in the Thakur of Bhaunagar, to be held by him on the terms on which he holds the Kathiawad villages;

and whereas ever since the first day of February, 1866, the scheduled villages have been governed according to the intentions of the said agreements, and acts of executive authority have been done, proceedings taken and decrees and sentences passed by the Thakur of Bhaunagar and his officers, and by the officers of the said Political Agency, and by the Courts of Justice appointed to exercise jurisdiction within the limits of the said Political Agency;

and whereas it now appears that such agreements and notifications were not worded so as to express their true intention, and that the scheduled villages did not thereby cease to be British territory, or to be subject to the laws in force in the Presidency of Bombay;

and whereas by a notification dated the fifth day of December, 1876, after reciting to the effect above recited and reciting that the Secretary of State for India had, on behalf of Her Majesty the Queen of Great Britain and Empress of India, given his sanction to the cession intended to be thereby effected, the Governor General in Council, with the sanction aforesaid, did thereby cede and grant to the said Thakur of Bhaunagar, his heirs and successors, the said scheduled villages, to hold the same unto the said Thakur, his heirs and successors, on the terms and subject to the rules on and subject to which he holds the said Kathiawad villages; but it was thereby provided that in case the said Thakur, his heirs or successors, should commit any acts of misgovernment which, in the opinion of the Governor General in Council, rendered it inexpedient that the said Thakur, his heirs and successors, should continue to hold the said scheduled villages, the Governor General in Council might resume the villages thereby ceded and re-annex the same to Her Majesty's dominions;

and whereas it is expedient (so far as relates to any past or future proceedings in British India) to ratify the aforesaid acts, proceedings and sentences of the Thakur of Bhaunagar and the officers and Courts aforesaid, and to indemnify the said Thakur and officers against any liability in respect thereof, and to provide that no title to property shall be disturbed by any act, proceeding or sentence of any other authority;

It is hereby enacted as follows:—

Short title. 1. This Act may be called the Bhaunagar Act, 1876.

Local extent. It extends only to [1][the Provinces]; and

Commencement. it shall come into force at once.

Scheduled villages excluded from jurisdiction of Bombay Courts. 2. The said scheduled villages shall be deemed to have been, on and after the said first day of February, 1866, excluded from the jurisdiction of the Revenue, Civil and Criminal Courts of the Bombay Presidency.

[1] The words "the Provinces" were substituted for the words "British India" by the Indian Independence (Adaptation of Central Acts and Ordinances) Order, 1948.

3. [*Validation of acts done after 1st February, 1866.*] *Rep. Act XVI of 1895.*

4. Nothing in this Act shall affect any jurisdiction which any Court of Justice in [1][the Provinces] may for the time being be entitled to exercise over persons resident or being beyond the limits of [1][the Provinces.] Saving of personal jurisdiction of Courts of [1][the Provinces].

SCHEDULE.

Bhaunagar Taluqa.

Bhaunagar.	Malanka.	Hathab.
Wadwa.	Bhutesar.	Khadsuliu.
Ruha.	Bhumli.	Bhadbadiu.
Akwara.	Ratanpur Juna.	Alapur.
Adhiwara.	Ratanpur Nuwa.	Thalsar.
Tarsamia.	Koliak.	Lakhanka.
aspara.	Kobri.	Sultanpur.
Phulsar.	Bhuri.	Wavri.
Karmadiu.	Bhundariu.	Rampura.
Surka.	Churi.	Bhenswari. } (*waste*).
Tarak Palri.	Sankrasar.	Jhanjra. } (*waste*).
Nari.	Bhadole.	
Budhel.	Nagdhaniba.	

Sihor Taluqa.

Sihor.	Tana.	Ratanpur *near* Tana.
Usral.	Bordi.	Wadiu.
Agiali.	Kajawadar.	Walawad.
Megwadar.	Khakhriu.	Kuchotiu (*waste*).
Ghangli.	Kardej.	Chirora (*waste*).
Nesra.	Surka.	
Rajpura.	Jambalu.	

New Villages.

Gundi.	Bapara.	Deogana.
Mandwa.	Panchpipla.	Thordi.
Sosia.	Rajpura.	Khadarpur Mitiverdi.
Paniali.	Pithalpur.	
Trapaj.	Khantari.	

Inam Villages.

Wartej.	Phariadku.	Kalvi (*waste*).
Sidhsar.	Sodwadra.	
Sampura.	Sedhawadar.	

[1] The words "the Provinces" were substituted for the words "British India" by the Indian Independence (Adaptation of Central Acts and Ordinances, Order, 1948.

SCHEDULE—*contd.*

DHANDUKA PARGANA.

Patna Taluqa.

Patna.	Ratanwau.	Kariani.
Bharbir.	Keria.	Lathidhar.
Chakampur.	Jamrala.	Welawadar.
Sarwui.	Ujalwau.	Virdhi *or* Rajghar.
Jhinjhawadar.	Jotingra.	Sajeli.
Pati.	Shirthali.	Oteria.
Keria *near* Pati.	Dhikwali.	Sandhera.
Bhambhan.	Wajeli.	Nagalpur.
Samandeala, 2.	Lundra.	Malpur.
Tajpur.	Dantretia.	
Kanutalao.	Samandiala.	

RANPUR PARGANA.

Botad Taluqa.

Botad.	Danknia.	Kaniad.
Hardar.	Khankoi.	Rajpura.
Sirwaniu.	Turkha.	Juria.